



UNITED STATES PATENT AND TRADEMARK OFFICE

Dale
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,507	11/19/2003	Ronald D. McCallister	1826-310RI	1244
7590	11/29/2005		EXAMINER	
Lowell W Gresham Meschkow & Gresham PLC 5727 North Seventh Street Suite 409 Phoenix, AZ 85014			CORRIELUS, JEAN B	
			ART UNIT	PAPER NUMBER
			2637	
			DATE MAILED: 11/29/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/718,507	MCCALLISTER ET AL.	
	Examiner	Art Unit	
	Jean B Corrielus	2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10,12,13,15,16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-10,12,13,15,16 and 18-22 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/19/03&10/01/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 1-10, 12, 13, 15, 16 and 18-22 is withdrawn in view of the inventor's evidence, filed on 7/6/05. Rejections based on the submitted evidence follow.

Supplemental Oath/Declaration

2. A supplemental oath/declaration is required for the amendment, filed on 10/1/04 (see MPEP § 1414.01).

Response to amendment

3. The amendment to the claims filed on 11/19/03 does not comply with the requirements of 37 CFR 1.173(d) because it fails to use **brackets** around matter to be omitted. The claims should be amended in such a way as to comply with the requirements of 37 CFR 1.173(d). In addition, the double brackets in claim 15, line 3, should be replaced by a single bracket.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2637

5. Claims 1-10, 12, 13, 15, 16 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over May et al in view of Cova US Patent No. 6,141,390.

As per claims 1-10, 12, 13, 15, 16 and 18-22, as noted in the applicant's remarks filed on 11/19/03, applicant representative admitted that May et al teaches every feature of the claimed invention but does not teach the inclusion of a linearizer or linearizing limitations in all the claims either directly or through dependency. See remark page 15, last paragraph- page 16, second full paragraph. In addition, note the inventor's comment, dated 7/6/05 stating that the delay element in May is inherent. In the same field of endeavor, Cova teaches a linearizer 407 configured to predistort a modulated signal into a predistorted signal see fig. 4 and col. 5, lines 45-61. Given that fact, it would have been obvious to one skill in the art to incorporate such a teaching in May et al in order to improve the linearity of the power amplifier see col. 5, line 59.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jean B Corrielus
Jean B Corrielus
Primary Examiner
Art Unit 2637

10-15.05